January X, 2020

Re: NO BAN Act

Dear Representative:

As a coalition of civil rights and liberties organizations, immigration organizations, and community-based organizations committed to protecting the rights of Muslim, Arab, Middle Eastern, and South Asian communities, we write to reiterate our support of the NO BAN Act and our desire for this legislation to remain unchanged through mark up and a floor vote.

This critical legislation would repeal President Trump's Muslim ban, asylum ban, and refugee ban, and make necessary reforms to the Immigration and Nationality Act (INA) to prevent future discriminatory bans. The language in this bill went through numerous negotiations to ensure that its improvement would meaningfully protect the rights of impacted communities.

It is essential that the legislation remain intact—without changes—so this authority cannot be used to ban whole communities who are not responsible for the actions of their governments and to protect all communities against discrimination.

As written, the NO BAN Act would:

- Immediately rescind the Muslim ban, asylum ban, and refugee ban, ending these discriminatory policies and abuses of authority by the Trump administration.
- Require the executive branch to meet a more stringent and reasonable standard before issuing future bans. Under current law, the executive branch claims the authority to bar the entry of large groups of people, including entire nationalities, without effective accountability or regard for the policies codified in other parts of the INA. Rather than the current broad and undefined standard, the NO BAN Act would require the executive branch to meet a standard based on "credible facts" that any suspension of or restriction from entry must be connected to "specific acts" that have actually occurred. Furthermore, the bill requires that any such suspension or restriction meet a compelling government interest and that the government use the least restrictive means in doing so.
- Establish a system of checks and balances whereby Congress would be routinely notified and briefed on the status, implementation and constitutional and legislative authority of the executive branch's actions.
- Expand the non-discrimination provision of the INA by prohibiting discrimination based on religion.

This bill is a significant step forward for Muslim communities as well as other communities that could be targeted discriminatorily or without good reason. Indeed, since the introduction of the NO BAN Act, the administration has issued yet another ban of anyone without health insurance from seeking entry to the United States. Their most recently announced escalation is targeting pregnant women visiting from other countries in a proposed rule on "birth tourism." The downward spiral will continue without strong legislation. Ensuring that the NO BAN Act continues to include its current language, with the above provisions, and the repeal of similar bans remains a high priority for our organizations.

Thank you for your leadership on this bill. We look forward to working with your offices to ensure that this legislation is advanced in its current form in order to protect all people against discriminatory bans.

If you have any questions, please feel free to contact Manar Waheed (mwaheed@aclu.org) and Avideh Moussavian (moussavian@nilc.org).

Sincerely,

[ORGS]